

November 5, 2002

Mr. Ronald L. Simard
Nuclear Energy Institute (NEI)
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: RESOLUTION OF ESP-5, MECHANISM FOR DOCUMENTING RESOLUTION
OF ESP ISSUES

Dear Mr. Simard:

The purpose of this letter is to confirm our understanding and expectation regarding the mechanism to document the resolution of Early Site Permit (ESP) issues which was discussed in your letter dated September 10, 2002. This mechanism, which was identified in ESP Topic 5 (ESP-5) on the list of NEI generic ESP issues, has been discussed extensively during our recent public meetings on April 24, May 28, June 13, and September 22, 2002. We confirm the understandings and expectations cited in your letter with minor clarifications as listed below:

ESP-5 understandings and expectations:

1. A mechanism for tracking progress and documenting resolution of generic ESP issues is important for providing timely feedback to ESP applicants on matters regarding the preparation of ESP applications and for providing all stakeholders with a means to stay informed of progress toward resolution of ESP related issues.
2. The NRC will implement an evolving issue tracking system consistent with that used during license renewal interactions to define, identify status, and document the resolution of ESP applicants and/or NRC staff concerns through the end of the pre-application period. Use of this or a similar system may be extended to address generic issues that continue to be identified during the NRC review of ESP applications.
3. The NRC staff will maintain issue tracking summary sheets similar to the listing provided on September 22, 2002, that will summarize on a quarterly or as needed time interval the status of each generic ESP issue based on the interactions to-date.
4. Resolution of generic ESP issues, i.e., confirmation of significant understanding and expectations, will be documented via an exchange of letters between NEI and the NRC as described during the public meeting held on May 28, 2002. Attachment 1 which was discussed during the public meeting held on September 22, 2002, provides the typical steps for issue resolution as well as a delineation between those issues which should be handled as generic issues versus those issues which should be handled on an applicant specific basis.

5. To ensure timely resolution of ESP issues and continued progress toward ESP applications, an initial response to issue resolution letters from the NRC and NEI should be completed within 30 days.
6. It is the NRC's expectation that the appropriate resolution of generic ESP issues will result in greater efficiency and effectiveness in regulatory processes.

Please contact Ronaldo Jenkins, the ESP Senior Project Manager at 301-415-2985 if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

Enclosure: As stated

cc w/encl: See next page

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MECHANISM FOR RESOLUTION OF ESP ISSUES

Project No. 689			Project Nos. 720/719/718		
NEI/ ESP Applicant	Generic Meetings	NEI Letter	Applicant Meetings Submittals		
NRC Staff	Generic Meetings	Staff Letter	Site Visits	*Inspections	Staff Reports
			Trip Reports	Requests for Information (RAIs)	
OUTCOMES					
INFORM/ OBTAIN FEEDBACK		GENERIC ISSUE RESOLUTION	(PRE) APPLICATION REVIEW DISPOSITION		

Steps for Issue Resolution

- 1- Define Problem
- 2- Discuss the Problem and Implications on Parties Involved
- 3- Discuss Alternatives
- 4- Discuss Implementation of Proposed Approach
- 5- NEI/ Applicant submit proposed resolution
- 6- Staff issue final position

* IF APPLICABLE

ESP

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